

ONE BANNON GETS OTHER'S JAIL TERM

Names Identical, Rhode Island
Court Mixes the Records
in Two Cases.

FOUR YEAR ERROR MADE

Mistake Corrected After Vic-
tim Has Served Nine
Months in Cell.

Special Dispatch to THE NEW YORK HERALD.
PROVIDENCE, July 31.—James
Bannon, one of the sons of the
of Pawtucket, each a year old and
each charged with burglary into build-
ings and stealing property, got so mixed
in the records of the courts that one was
sentenced to four years in the State
prison for a crime committed by the
other.

The tangle was straightened out this
morning after statements from several
persons, and both Bannons are now at
liberty under deferred sentences pend-
ing their good behavior.

According to Chief of Police Axel of
Lincoln, who had known one James
Bannon for ten years and whose story
was corroborated by the father of James
Bannon of Pawtucket, the young man
before Judge Blodgett in Superior Court
to-day was as distinct from the Paw-
tucket Bannon as if his name had been
anything else.

The Pawtucket Bannon was in-
dicted with John W. Nett in the fall of
1919 for burglary at the house of
October 17 of that year to a charge of
entering the house of Ellen Steele, 95
Middle street, Pawtucket, on the night
of June 23. Bannon was then 17 and
had a previous record. Sentence was
deferred and he was released.

James Bannon of Lincoln was in-
dicted with three others in September, 1921,
for breaking and entering Amy G. Jeffer-
son's garage at 124 Dexter street,
Lonsdale, on the night of July 27 of that
year and stealing a touring car. Octo-
ber 1, 1921, he pleaded not guilty and the
case was continued for further pro-
ceedings.

Four days later the record of James
Bannon of Pawtucket and the person of
James Bannon of Lincoln were before
the court, and the Lincoln Bannon re-
ceived the deferred sentence imposed on
the Pawtucket Bannon. He was sent to
prison for four years.

To-day he said he supposed he was be-
ing sentenced for the garage break. He
declared to Judge Blodgett that he had
never before been in a court room ex-
cept when arraigned in the garage case
and knew nothing of the burglary at
Ellen Steele's house in Pawtucket.

When the judge understood the cir-
cumstances the proceedings by which the
four years' sentence was put into effect
were nullified on recommendation of As-
sistant Attorney-General Charles P.
Sisson, and the young man was released
under deferred sentence.

The discovery of the mix-up brought
the Lincoln young man's freedom at a
about the same time the jail terms of his
accomplices expired. He served a little
more than nine months of the four year
sentence.

The father of Bannon of Pawtucket
told the judge his son was now in Chi-
cago holding down a good job.

FRENCH NULLIFY SALE OF HOTELS TO BRITISH

Courts Oppose Transfer of
Five Sequestered Properties.

Special Cable to THE NEW YORK HERALD.
Copyright, 1922, by THE NEW YORK HERALD.
New York Herald Bureau.

Complaints by French hotelkeepers
against the sale by auction of the As-
tor and four other hotels near the Arc
de Triomphe to an English syndicate has
resulted in the annulment of the deal.
The five properties, including the pres-
ent home of the Reparations Commis-
sion, only brought 5,000,000 francs, but
the French Government has the right to
occupy them, if it wishes, for a period
of twenty years at a rental of 2,000,000
francs a year.

The courts ruled that inasmuch as the
exploiters could thus receive 46 per cent
return on an investment of 5,000,000 an
effort must be made to obtain more for
the property.

GERMANY'S POPULATION JUMP ALARMS FRANCE

Births More Numerous and
Deaths Are Fewer.

Special Cable to THE NEW YORK HERALD.
Copyright, 1922, by THE NEW YORK HERALD.
New York Herald Bureau.

The seriousness of the French natality
problem is shown by the comparative
statistics published here to-day. While
the annual increase in the population of
France does not exceed 117,000, Ger-
many's population has now reached an
increase of 625,000 yearly. In France the
births per thousand of population are
26.7 and in Germany 26.1.
Deaths per thousand of population in
France are 17.7 and in Germany 14.8.
This shows an excess of births over
deaths in France of 3 per 1,000 while
in Germany it is 11.3 per 1,000.
At this rate it will take France twenty
years to recuperate from her war losses
while Germany will recover her 3,500,000
war victims in less than seven years.

AUSTRIAN CROWN DROPS TO 42,200 FOR DOLLAR

Fall Ascribed to Situation in
Germany.

VIENNA, July 31 (Associated Press).
—The dollar was worth 42,000 crowns
to-day, as against 37,000 at the close on
Saturday. The falling of the crown is
ascribed to the reaction caused by the
German situation at the end of the
month, which, it is said, makes a de-
mand for standard money to meet for-
eign obligations. The publication of the
new statutes authorizing new issues of
bank notes is also a factor.

Newspapers are defining the situation
as a loophole for further issues of
printed currency which the Government
has promised to prohibit. There are
rumors that the Socialists insist that
some form of bread subsidy must be un-
dertaken. The conservative *Nachrichten*
says: "The situation has got to the
point where the Government, either
directly or indirectly, will be compelled
to return to a system of food sub-
sidies."

DECORATE YOUR WALLS

With FRENCH SCENIC PAPERS.
Ask your Decorator to show you the
latest collection of J. Zuber, R. Diez
and Desobry and Kartl, famous
French creators and manufacturers.
FREE! (Illustrations sent free if your
decorator cannot supply you.)
A. L. DIAMANT & CO., 101 Park Ave., N.Y.
Sole American Agents.

Untermyer Lets Yonkers Show Statue for Charity

A CABLEGRAM from Samuel
Untermyer from Austria, re-
ceived yesterday by Yonkers
officials, gave permission to that
city to exhibit the statue of Deme-
ter, recently found buried in Unter-
myer's Greystone estate, to raise
money for Yonkers hospitals.
The cable added that if the offi-
cials saw fit they could make use
of Mr. Untermyer's Greek theater at
Greystone as a background for the
statue. It was agreed that a more
central location in some pub-
lic building would attract people to
look at the sculpture, which is said
by experts to be a very fine an-
tique.

DIAL OFFERS DATA AGAINST TORBERT

Republican Senators May Ask
Harding to Withdraw
Nomination.

Special Dispatch to THE NEW YORK HERALD.
New York Herald Bureau.

Washington, D. C., July 31.—The
Senate Judiciary Committee may
reject the nomination of Joseph W.
Torbert, Republican national commit-
tee man and patronage "referee" for South
Carolina, to be United States Marshal
for the western district of his State,
following charges filed with the com-
mittee by Senator Dial (S. C.) that Mr.
Torbert has been improperly dispensing
Government jobs.

Senator Dial said to-day he had filed
with the Judiciary Committee affidavits
bearing out the allegation that Mr. Tor-
bert has been using the position of
patronage "referee" to further his per-
sonal interests. In his fight against the
confirmation of Mr. Torbert, Senator
Dial declared he had the enthusiastic
support of his colleague, Senator Smith.
It is probable that Republican Sena-
tors will suggest to the President that
he withdraw the nomination of Mr. Tor-
bert.

"I did not intend to bring this mat-
ter to a head at this time," said Sena-
tor Dial, "but Mr. Torbert's henchmen
attempted to start a backfire on me and
are getting various constituents of mine
to write me letters asking me to with-
draw my opposition. On the other hand,
I have numerous documents which I
have filed with the committee bearing
out the case."

"The position of United States Mar-
shal for the western district of my State
is a most important one and no man
guilty of the offenses charged against
Mr. Torbert should hold it. I am not
in a position to forecast what the
Judiciary Committee will do, but it
seems in no hurry to report this nomi-
nation out. The nomination has been
pending for several weeks and I am
hopeful that it will be withdrawn by
the President or rejected by the com-
mittee and the Senate. Senator Smith
will assist me in fighting to the end."

FIRE SWEEPS HONGKONG.

Many Buildings Damaged in Euro-
pean Section.

HONGKONG, July 31 (Associated Press).
—The most disastrous fire that has
swept the European business quarters
here in many years broke out to-night
and is still burning fiercely. Among
the buildings badly damaged is the
Carleton Hotel, the only American hotel
in the city.

The Grand Hotel also suffered. The
fire is threatening the Government House,
a few blocks from Government House,
in the heart of the city.

SOUTHERN PACIFIC WANTS REHEARING

Asks Supreme Court to Apply
Rule of Reason in Central
Pacific Case.

INJUSTICE IS ALLEGED

Declares Sherman Act Should
Not Subvert Titles Vested
Before Its Passage.

WASHINGTON, July 31.—The Southern
Pacific Company filed to-day in the Su-
preme Court an application for rehear-
ing of the famous Southern Pacific case
in which the court recently handed down
an opinion directing the company to
divorce itself of ownership and control
of the Central Pacific Railroad.

The company in its petition grouped
the grounds advanced for the rehear-
ing under five heads, among other
things urging an application of the Sher-
man act "in the light of the rule of
reason," insisting that under the laws
of California there was authority for the
lease made by the Central Pacific in
1885, which, if valid, constitutes the
Southern Pacific proprietor of the Cen-
tral Pacific for ninety-nine years. The
petition asserted that it was not the in-
tention of the Sherman act to "subvert
titles vested before its passage," and
that Congress in considering the re-
funding of the Central Pacific debt
always looked "for a guaranty of its
payment by the Southern Pacific."

No action will be taken upon the
petition until the court meets for its
next term in October.

The opinion of the court, the petition
said, "fails to do justice to the moral or
legal aspects of our case under the set-
tlement," in that it leaves out of con-
sideration governmental action from
1885 to 1898 "indispensable to a sound
interpretation of the powers conferred
upon the (refunding) commission and
the settlement made by it." The opinion
also "ignores the lease as the predicate
upon which the guaranty was requested
and given," the petition asserted, claim-
ing that it "assumes that the commis-
sion did not request but merely unre-
sistingly appointed the guaranty."

The decision of the court is further
criticized in the petition on the ground
that "it ignores the fact that without
the guaranty the Government could not
have obtained payment of the debt," also
that "it takes no account of the fact that
without the concurrence of the Southern
Pacific the Central Pacific could not
have complied with the terms of the
agreement of settlement which required
the lease of the Southern Pacific to be
subordinated to the bonds issued by the
reorganized company," and that "it ig-
nores the fact that it was the first
duty of the commission to familiarize
itself with the plan of reorganization
and to satisfy itself that it was ade-
quate to insure the payment of the Gov-
ernment debt within ten years."

The court, it asserted, "treats the
question of the legality of the acqui-
sition of the stock as determinative of
the case, thus overlooking that it was the
intention of Congress to authorize the
commission to deal with the matter un-
der circumstances which would confirm
the Southern Pacific in its position as
lessee; then the ownership of the stock
would not present a practical question
under the Sherman law until the lease
expired."

The company asked an opportunity for
counsel to present an argument on that
part of the opinion relating to the ap-
portionment or use of certain properties
"constructed or acquired during the un-
der control of the two systems," con-
tending that "propositions upon which
they may be thought to rest were never
presented by any pleading, never men-
tioned in the taking of evidence, at no
time argued, and are not to be
supported by any rule heretofore an-
nounced or applied" by the Supreme
Court.

The petition further stated that the
Sherman law "should not be interpreted
as requiring the disintegration of rail-

road lines which in the fifty years of
their history have had a community of
operation through a single management
of unbroken continuity. All consoli-
dations, leases, and conveyances of Cal-
ifornia companies holding Federal fran-
chises to construct and operate railroads
were made upon the basis which pre-
vailed in the Central Pacific lease, the
petition asserted, and "have stood un-
challenged from earliest times," it
stated.

The Federal Refunding Committee
"was clearly coupled with authority,"
the petition continued, "to make a set-
tlement calling for a guaranty by the
Southern Pacific predicated upon its po-
sition as lessee, inasmuch as such a
settlement was in line with what had
always been regarded in Congress as
practically indispensable to refunding."

NAVY OFFICER OF JAPAN HURT IN JERSEY CRASH

Motorcycle of Commander
Nenya and Sister Upsets.

Special Dispatch to THE NEW YORK HERALD.
DOG HARBOR, N. J., July 31.—Com-
mander Nenya, 37, of the Japanese
navy, inspector of engineering of the
Kamoi, a fast ship being built for
Japan at Camden, sustained a frac-
ture of the skull to-day on the way to
Atlantic City when his motorcycle up-
set. He was taken to the Egg Harbor
Hospital, where his condition is critical.
His sister, who occupied the side car,
was also hurt.

WOMEN UNITE TO BEAT 'MISS ALICE'

Declares Organizations Re-
sent Her Independent Course
in Congress.

OKLAHOMA CITY, July 31 (Associated
Press).—With the Ku Klux Klan de-
clared to be supporting one candidate
for the Democratic nomination for Gov-
ernor, and representatives of the Klan
denying that the organization was tak-
ing an active part in the campaign,
Oklahoma's three cornered Governmen-
tal primary campaign finished to-night,
and voters made ready to go to the polls
to-morrow.

Overshadowing the alleged Klan issue
is importance, according to many other
observers, was the candidacy of Mayor
J. C. Walton of Oklahoma City, former
Labor candidate for the Democratic
nomination. Walton has been endorsed
by the Farmer-Labor Reconstruction
League in Oklahoma and has espoused
public ownership of a number of util-
ities, State aid to farmers and the Plumb
plan for Government control of rail-
roads.

R. H. Wilson, another candidate, has
been given the endorsement in state-
ments supporting to have been issued

by the Ku Klux Klan, but to-day the
official publication of the organization
printed an editorial denying that the
Klan as an organization was backing
any candidate. The State election board
has sent out 550,000 ballots.

It will be the first time women of
Oklahoma have been given a voice in
selecting State officers. Polling places
open at 9 A. M. and close in the cities
at 7 P. M.

Next in general interest are cam-
paigns of Miss Alice Robertson, Mus-
kegee, and Manual Herrick, incumbents,
for renomination to Congress in their
respective districts. Miss Robertson has
announced that she has been threatened
with political punishment by women's
political organizations because of her
refusal to support those organizations
or yield unhesitatingly to their sugges-
tions as to how she should vote in Con-
gress. Miss Robertson also has an-
nounced that she expected opposition
from proponents of the soldier bonus,
which she has opposed.

Her Republican rival for the nomi-
nation is Gus H. Thiel of Muskogee and
three Democrats, W. W. Hastings, Oscar
Stewart and John L. Winn, seek the
honor of opposing Miss Robertson at the
polls in November. Mr. Hastings rep-
resented the Second district several years
in Congress and was defeated by Miss
Robertson in the general election in
1920.

Representative Herrick of the Eighth
district is opposed by three Republicans
for renomination and a like number of
Democrats seek the nomination by the
party.

3 Million Square Feet of Merchandise Display

That is what you will find at the Leipzig Sample Fair.
No progressive importer can afford to miss this greatest
of all Fairs. Here manufacturers from all parts of
Europe exhibit their wares in scores of fine exhibition
buildings grouped in the very heart of Leipzig. Here
leading business men from the four corners of the globe
meet to view the latest ideas and designs in merchandise
of every description. Here you can buy direct at rock-
bottom prices. The Fall Fair opens August 27th.
Special privileges extended to American visitors. Write
at once for illustrated prospectus and full information to
Leipzig Fair Bureau, care of Atlantic
Forwarding Co., 45 Pearl St., New York.

Leipzig Sample Fair
August 27th to
September 2nd

Clicquot Club

Pronounced Klee-Ko

GINGER ALE



When three is
not a crowd

When one is Clicquot and the other
two are you and she. For Clicquot Club
Ginger Ale is a friendly drink, each bot-
tle containing enough for her full glass
and yours.

And what a happy, living drink Clicquot is! It
is fascinating to watch the glittering bubbles leap
through the gold, break in tiny splashes and scatter
the ginger-perfumed air they hold.

But the taste of Clicquot Club counts most.
Young, old, or in between — they all like it.

Everything in Clicquot is pure. No water but that
drawn from unfailing, cold, pure springs is used,
and only real, Jamaica ginger.

Should you like variety

You are not limited to Ginger Ale. There are
Clicquot Club Sarsaparilla, Root Beer and Birch
Beer. Each one different in taste, but all equally
pure and desirable. Buy Clicquot by the case for
the home.

THE CLICQUOT CLUB COMPANY, Millis, Mass., U. S. A.

Bidding
56th Street FIFTH AVENUE 57th Street

Summer
Clear-Away Sales

SUITS

Two and Three Piece effects
(Values to \$165)
at \$65
Handsome Costume Styles
(Values to \$225)
at \$95

WRAPS

For Street, Motor and Travel
(Values to \$175)
at \$68
Silk Afternoon Styles
(Values to \$225)
at \$85

DRESSES

Daytime Styles
(Values to \$95)
at \$45
For Afternoon and Evening Wear
(Values to \$225)
at \$58-\$75

HATS

For Summer Wear
(Values to \$35)
at \$10

Imported Bags and Costume Jewelry
at 35% Off Present Reduced Prices